

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CIVIL ACTION NO.: 14-CV-1304
14-CV-1307

JAMES H. FISCHER,

Plaintiff,

v.

DECLARATION OF STEPHEN T.
FORREST, JR.

STEPHEN T. FORREST, JR.

SANDRA F. FORREST,

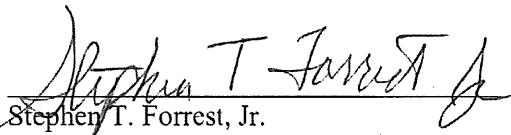
SHANE R. GEBAUER, and BRUSHY
MOUNTAIN BEE FARM, INC.

Defendants.

1. I am over the age of eighteen (18) years, of sound mind, and competent to testify as to the matters contained herein.
2. My wife, Sandra and I were school teachers when we started Brushy Mountain Bee Farm. I had two hobbies- beekeeping and woodworking. I began making bee hives and offering them for sale to fellow beekeepers and was able to sell the beehives as fast as we could make them, realizing there was a need for well-made beekeeping equipment around the western North Carolina area. Thereafter, we began constructing and selling other beekeeping equipment. Steve and Sandy realized there was not a centralized location or catalog where a beekeeper could buy their beekeeping equipment. On a part time basis, we started Brushy Mountain for selling beekeeping equipment.
3. Within a few years, Brushy Mountain became profitable and took up a lot of time, so we left the teaching profession to concentrate entirely on this new business venture. Brushy Mountain eventually opened a retail location in Moravian Falls, NC and continued to expand rapidly. While Brushy Mountain primarily manufactured and sold its own products, it began including products from others in their catalog.
4. In early 2002, Brushy Mountain began selling Fischer's Bee-Quick product. Brushy Mountain was not an "authorized dealer" or have a contract with Mr. Fischer as he claims in the complaints. Instead, Brushy Mountain merely purchased product from Mr. Fischer or his distributor, Dadant, and resold through the Brushy Mountain catalog. When Brushy Mountain needed more product, it would buy it from Mr. Fischer or Dadant.
5. The 2002 catalog was the first Brushy Mountain catalog that included Bee-Quick, along with about 1000 other products.
6. I have never personally had a website or catalog.

7. I did not create the text or the ad for Natural Honey Harvester or draft the phrase "For years we have promoted the use of a natural product to harvest honey but an unreliable supply of such a product has forced us to come out with our own."
8. I did not provide Natural Honey Harvester or ship Natural Honey Harvester to anyone when they ordered Bee-Quick as claimed by Mr. Fischer.
9. I did not remove any metadata from any photographs Mr. Fischer may have provided to Brushy Mountain and did not remove any copyright notices from any materials Mr. Fischer may have provided.
10. I did not order the creation of website URLs that contained the terms "Fischer" or "Fischer's Bee-Quick" as alleged by Mr. Fischer.
11. I did not encourage "The Honey Hole" or "C&T Bee Supply" to use the Natural Honey Harvester ad, and I never assisted "The Honey Hole" or "C&T Bee Supply" in the use of the Natural Honey Harvester ad, if they in fact used the ad as Mr. Fischer claims.

This the 17th day of April, 2017.


Stephen T. Forrest, Jr.